

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

The claims are amended to address the issues raised in section 2 on page 2 of the Official Action. Withdrawal of the rejections under 35 U.S.C. § 112 is therefore respectfully requested.

The rejections of Claims 63 and 73 are addressed, without prejudice or disclaimer, by their cancellation.

As a preface to discussing the remaining prior art rejections, the following general overview is provided of features and operational characteristics associated with a fuel cell according to at least one embodiment described and illustrated in the present application. As illustrated in Figs. 15 to 26, a used fuel storing tank 40 can be separate from a fuel storing tank 10. As discussed in lines 1-3 of page 83 and as illustrated in Figs. 15 and 16, a used fuel occlusion body 41 can be disposed inside the used fuel storing tank 40 in contact with a lower part of a feed 40a. Used fuel can therefore be totally occluded into the used fuel occlusion body 41. As illustrated in Fig. 25, a cover 42 can be openable so that the used fuel occlusion body 41 can be taken in and out from the used fuel storing tank 40. As discussed in lines 6-7 on page 108 and as illustrated in Fig. 27, the used fuel occlusion body 41 can have a fin shape.

Turning now to the remaining prior art rejections, independent Claims 145, 151, 157 and 165 are each rejected as being unpatentable over the disclosures in U.S. Application Publication No. 2004/0072049, hereinafter Becerra, U.S. Patent No. 6,506,513, hereinafter Yonetsu, and U.S. Patent No. 5,364,711, hereinafter Yamada.

Claims 145, 151, 157 and 165 each recite a fuel cell in which plural unit cells each of which is formed by constructing an electrolyte layer on a fuel electrode body and constructing an air electrode layer on the electrolyte layer are connected, in which a fuel supplying member connected with a liquid fuel storing tank for storing a liquid fuel and having a penetrating structure or the fuel electrode body is connected with the respective unit cells to supply the liquid fuel and in which an end of the fuel supplying member is connected with a used fuel storing tank which is separate from the liquid fuel storing tank.

Becerra discloses a fuel container in which a flexible bladder for a liquid fuel and a flexible bladder for effluent are included in a container as illustrated in Fig. 13. The two bladders are adjacent and in contact, so that when used fuel (effluent) recovered from the fuel cell enters into the effluent bladder, the bladder for liquid fuel is warmed by the hot effluent.

Even assuming for the sake of discussion that Becerra's bladders otherwise correspond to a used fuel storing tank and a liquid fuel storing tank, they are not separate as they are adjacent and in contact. Thus, Becerra does not disclose a fuel cell in which a used fuel storing tank is separate from a liquid fuel storing tank as recited in Claims 145, 151, 157 or 165. Moreover, neither Yamada nor Yonetsu cure this deficiency in Becerra. Specifically, in the Fig. 23 embodiment of Yamada relied upon in the Official Action, fuel in a fuel cartridge is supplied to a fuel cell and used fuel is introduced into a water-storing space by controlled capillary force. However, the fuel storing space 40 and the water-storing space 41 contact each other and are therefore not separate. Additionally, Yonetsu does not disclose a used fuel storing tank at all.

Independent Claims 145, 151, 157 and 165 are therefore allowable over the disclosures in Becerra, Yonetsu and Yamada, and withdrawal of the rejections of those claims is respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims, and for reciting additional patentably distinguishing features. For example, Claims 153 and 167 recite that the surface free energy on the surface of the collector body is higher than that of the used liquid fuel. While Yamada is relied upon for allegedly disclosing a collector body, the Official Action does not explain how Yamada allegedly discloses a collector body in which the surface free energy on the surface of the collector body is higher than that of the used liquid fuel. Indeed, Yamada does not disclose a collector body in which the surface free energy on the surface of the collector body is higher than that of the used liquid fuel.

Additionally, Claim 161 recites that the used fuel occlusion body has a fin shape. The Official Action states, without any further explanation, that Fig. 23 of Yamada illustrates a used fuel occlusion body having a fin shape. However, none of the depicted elements is described as having a fin shape, and as Fig. 23 is simply a cross-sectional view, the overall shape of the depicted elements cannot be determined from the illustration.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By: /Peter T. deVore/  
Peter T. deVore  
Registration No. 60361

Customer No. 21839  
703 836 6620